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RAFAEL OJEDA-ONTIVEROS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL OJEDA-ONTIVEROS,

Defendant.

No. Cr. S 04-388 MCE

**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO  
REDUCTION CASE

Judge: Honorable MORRISON C. ENGLAND, JR.

Defendant, RAFAEL OJEDA-ONTIVEROS, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On July 19, 2007, this Court sentenced Mr. Ojeda-Ontiveros to a term of 210 months imprisonment;

3. His total offense level was 37, his criminal history category was I, and the resulting guideline range was 210 to 262 months;

1           4.       The sentencing range applicable to Mr. Ojeda-Ontiveras was subsequently  
2 lowered by the United States Sentencing Commission in Amendment 782, made retroactive on  
3 July 18, 2014, see 79 Fed. Reg. 44,973;

4           5.       Mr. Ojeda-Ontiveros' total offense level has been reduced from 37 to 35, and his  
5 amended guideline range is 168 to 210 months;

6           6.       Accordingly, the parties request the Court enter the order lodged herewith  
7 reducing Mr. Ojeda-Ontiveros' term of imprisonment to 168 months.

8 Respectfully submitted,

9 Dated: January 6, 2016

Dated: January 6, 2016

10 BENJAMIN B. WAGNER  
11 United States Attorney

HEATHER E. WILLIAMS  
Federal Defender

12 /s/ Jason Hitt  
13 JASON HITT  
Assistant U.S. Attorney

/s/ Hannah R. Labaree  
HANNAH R. LABAREE  
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14 Attorney for Plaintiff  
15 UNITED STATES OF AMERICA

Attorney for Defendant  
RAFAEL OJEDA-ONTIVERAS

**ORDER**

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Ojeda-Ontiveros is entitled to the benefit of Amendment 782, which reduces the total offense level from 37 to 35, resulting in an amended guideline range of 168 to 210 months.


IT IS HEREBY ORDERED that the term of imprisonment imposed in July 2007 is reduced to a term of 168 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Ojeda-Ontiveros shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: January 11, 2016

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT